



July 7, 2015

R. Zachary Wasserman, Chair  
San Francisco Bay Conservation  
and Development Commission  
455 Golden Gate Avenue, Suite 10600  
San Francisco, CA 94102-7019

Submitted via email: [jaime.michaels@bcdc.ca.gov](mailto:jaime.michaels@bcdc.ca.gov)

**Subject: Comments on Tesoro Refining & Marketing Company LLC  
State of California Marine Oil Terminal Engineering and  
Maintenance Standards ("MOTEMS") Project  
BCDC Permit Application No. 2014.006.00**

Dear Chair Wasserman and Commissioners:

These comments are submitted on behalf of the Partnership for Sound Science in Environmental Policy ("PSSEP") in support of BCDC Permit Application No. 2014.006.00, submitted by Tesoro Refining & Marketing Company LLC ("Tesoro") for its State of California Marine Oil Terminal Engineering and Maintenance Standards ("MOTEMS") Project. PSSEP is an association of municipal, industrial, and trade association entities in California whose members are regulated by the San Francisco Regional Water Quality Control Board under its Federal Clean Water Act and Porter-Cologne Water Quality Control Act authorities, and also under your McAteer-Petris Act.

At the outset, we wish to acknowledge the efforts of your staff in working with Tesoro and other interested parties, and particularly the other federal and state regulatory agencies with jurisdiction over this project. The process leading-up to the present determination by BCDC of consistency with the Bay Plan, and approval of the application before the Commission, has been on-going for several years.

In essence, the MOTEMS project is a **compliance** project alone, required under the Oil Spill Prevention and Response Act of 1990 to ensure ongoing safety operation of marine terminals in the state and to minimize the potential of oil spills that would affect California waters and water quality. It is important to note that the planned modifications of Tesoro's terminal will not provide any increase or expansion of existing operations at the Martinez Refinery.

The proposed MOTEMS project includes: (1) the demolition of an existing timber berth and approach-way providing wharf access to the upland Tesoro Refinery; (2) the construction of a new berth with MOTEMS-required and State Lands Commission-approved infrastructure; (3) the reconstruction of a pile-supported approach-way; and (4) upgrades to a pipe-way trestle to support existing pipelines from the terminal to the Tesoro Refinery.

As your staff's report provides, federal biologists determined that the project could impact an approximately 0.02-acre area of tidal/brackish marsh suitable for the federally-listed salt marsh harvest mouse ("SMHM"), and temporarily impact an approximately 1.5-acre area of tidal/brackish marsh suitable for SMHM. Additionally, annual vegetation clearance at the site to facilitate pipe-way inspections could regularly impact an approximately 3.3-acre tidal/brackish marsh area suitable for SMHM and the federally-listed Ridgway rail.

To mitigate for these habitat impacts Tesoro has provided funding to purchase 12.56 acres of SMHM habitat at the Cordelia Slough Preserve Mitigation Bank. Additionally, Tesoro has provided \$225,000.00 to improve SMHM habitat at McNabney Marsh, located southwest of the project site and east of Interstate 680, in the City of Martinez. Finally, to compensate for potential construction-related impacts and the periodic annual vegetation clearance impacts that could occur to Ridgway rail and SMHM, Tesoro has provided \$260,000.00 to restore a minimum of four acres of Ridgway clapper rail habitat at the San Pablo Bay National Wildlife Refuge.

The Tesoro MOTEMS project is being undertaken to both comply with state law and to improve the operational safety of the Tesoro Martinez marine terminal as determined by the State Lands Commission. It has been approved by every other state and federal agency with jurisdiction over the project (including, USFWS, NMFS, Army Corps of Engineers, and the San Francisco Regional Water Board), and the BCDC application before the Commission is the final approval needed for this important work which must begin early next month. We urge you to approve the Tesoro application at your Commission meeting on July 16, 2015 so that environmental, health and safety improvements at the Tesoro marine terminal will not be delayed.

Sincerely,

A large black rectangular redaction box covering the signature of Craig S.J. Johns.

Craig S.J. Johns  
Program Manager